

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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VICTOR TAGLE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. 2:16-cv-00045-RCJ-VCF

ORDER

Petitioner Victor Tagle has submitted a *pro se* petition for writ of habeas corpus under 28 U.S.C. § 2254 (ECF No. 1-1). The application to proceed *in forma pauperis* (ECF No. 1) shall be granted. The petition is on the court's form for a § 2255 motion to vacate a federal sentence; however, petitioner indicates that he seeks to challenge his state judgment of conviction in case no. C11276096-1 (ECF No. 1-1, p. 1). Tagle indicates on the face of his submission that he has filed another federal habeas action challenging this same judgment of conviction. *Id.* at 4; see Case No. 2:15-cv-00214-GMN-PAL. Accordingly, this is duplicative of a pending federal habeas action and a successive petition and shall be dismissed with prejudice. 28 U.S.C. § 2244(3)(A). The court notes also that petitioner has failed to name a proper defendant and that his purported grounds—for example, his claim that he was kidnapped by a police impersonator, perhaps at the behest of the FBI—appear to be delusional and patently frivolous.¹

¹ Under Rule 2 of the Rules Governing Habeas Cases, a petitioner in custody under a state-court judgment must name as a respondent the person who has custody of the petitioner. Rule 2(a). Such person is typically the warden of the institution where petitioner is housed. Failure to name the custodian

IT IS THEREFORE ORDERED that the application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**.

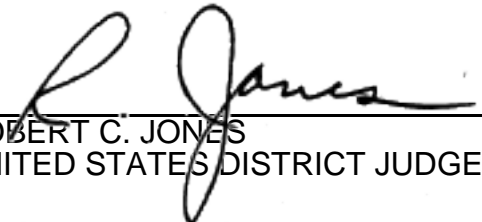
IT IS FURTHER ORDERED that the Clerk shall detach and file the petition (ECF No. 1-1).

IT IS FURTHER ORDERED that the petition is **DISMISSED** with prejudice as set forth in this order.

IT IS FURTHER ORDERED that petitioner's motions for appointment of counsel (ECF No. 2) and motion for evidentiary hearing (ECF No. 3) are both **DENIED** as moot.

IT IS FURTHER ORDERED that the Clerk shall enter judgment accordingly and close this case.

DATED: 21 April 2016.



ROBERT C. JONES
UNITED STATES DISTRICT JUDGE